

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Santosh Prakash	Team: Squad #2	CCRB Case #: 202005889	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 08/26/2020 1:30 PM	Location of Incident: § 87(2)(b)	Precinct: 120	18 Mo. SOL 2/26/2022	EO SOL 5/4/2022	
Date/Time CV Reported Wed, 08/26/2020 4:12 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Wed, 08/26/2020 4:12 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Auron Capa	13111	965966	120 PCT
2. POM John Fisher	16939	957590	120 PCT
3. POM Salvatore Balistreri	10442	960199	120 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Isaac Sanabria	10692	965500	120 PCT
2. LT Matthew Harrison	00000	930323	120 PCT
3. POM Aaron Espada	09222	953235	120 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Auron Capa	Abuse: Police Officer Auron Capa drew his gun.	
B.POM John Fisher	Abuse: Police Officer John Fisher drew his gun.	
C.POM Salvatore Balistreri	Abuse: Police Officer Salvatore Balistreri drew his gun.	

Complaint Summary

On August 26, 2020, § 87(2)(b) filed the following complaint via the CCRB's website, reporting on behalf of her husband § 87(2)(b) § 87(2)(b) and their § 87(2)(b)-year old child § 87(2)(b) § 87(2)(b).

On August 26, 2020, at approximately 1:30 PM, while at his residence located at § 87(2)(b) § 87(2)(b) in Staten Island, § 87(2)(b) was alerted to loud banging at his front door. When he answered the door, § 87(2)(b) saw five officers – identified by the investigation as Lieutenant Matthew Harrison, Police Officer Salvatore Ballisteri, Police Officer Auron Capa, Police Officer John Fisher, and Police Officer Aaron Espada, of the 120th Precinct – some of whom had their guns pointed at him (**Allegations A, B, C: Abuse of Authority – Guns Drawn**). § 87(2)(b) complied when the officers told him to raise his hands and exit, just as § 87(2)(b) came to the door. At about the same time, their neighbor opened her door, identified herself as the 911 caller, and told the officers they had the wrong apartment. The officers holstered their guns soon thereafter and ultimately left without interacting with § 87(2)(b) and § 87(2)(b) again. The incident did not result in any summonses or arrests.

The investigation obtained video footage from all of the responding officers' body-worn cameras (BWCs) – Lieutenant Harris, Police Officer Ballisteri, Police Officer Capa, Police Officer Fisher, Police Officer Espada, and Police Officer Issac Sanabria (see IAs 23 – 28).

§ 87(2)(b) believed that four of approximately six officers had their guns pointed at him (IAs 11, 13).

However, the BWC footage establishes that while the above-referenced officers responded to the location, only Lieutenant Harris, Police Officer Ballisteri, Police Officer Capa, Police Officer Fisher, and Police Officer Espada went to the § 87(2)(b) apartment. Furthermore, the footage shows that only Police Officer Ballisteri, Police Officer Capa, and Police Officer Fisher had their guns drawn during the brief sequence of events that followed. The BWC footage captures the entire timeframe during which the allegations were said to have occurred. The footage also shows that § 87(2)(b) only appeared at the door's threshold after the officers had already holstered their weapons (see BWC footage summary at IA 32).

The investigation therefore concluded that only Police Officer Ballisteri, Police Officer Capa, and Police Officer Fisher are the subject officers.

On September 14, 2020, the assigned investigator contacted § 87(2)(b) and obtained a brief statement, confirming that § 87(2)(b) was listening via speaker phone, the undersigned described the CCRB's investigative and Mediation processes. While both parties expressed interest in mediating the complaint, they said they would call back later with their final answer (see audio at IA11, 4:22 - 6:00, 8:00 - 12:15).

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§ 87(2)(b) Due to the inability to record conversations during the COVID-19 pandemic, there is no withdrawal recording in this case.

§ 87(2)(b) added an updated copy of PO Capa, PO Fisher and PO Balistreri's CCRB histories to the digital case file. PO Capa, PO Fisher, and PO Balistreri have not been named as subject officers in any case since this case was filed.

Recommendation

Given § 87(2)(b) and § 87(2)(b)'s desire to withdraw their complaint, § 87(2)(g)

Mediation Coordinator: Emilia Mancini

Date: 3/30/2021

Director of Mediation: Lisa Grace Cohen

Date: 4/28/21